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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th March, 1985:—

BILL No. 4 OF 1985

A Bill to prevent the encroachments on land in the name of religion

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Removal of Encroachments on Land in the name of Religion Act, 1985.

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

Definition.

2. For the purposes of this Act "religious place" means a gurdwara, mandir, masjid, church or any other place of worship and includes any place used or intended to be used for any religious purpose or for any purpose declared to be religious

Religious places on encroached land to be removed

3. Any religious place established or constructed on any land acquired by encroachments on public or private land or any encroachment on any public or private land in the name of religion shall be removed by the Government immediately

Religious places to be constructed on land allotted by Government.

4. A religious place can be constructed only on the land allotted by the Central or the State Government, as the case may be, for the purpose.

Government may allot land for religious places.

5. The Central or the State Government, as the case may be, may allot land for construction of a religious place where it is considered by the Government to be desirable to establish a religious place.

Encroachments on land allotted for religious places to be removed.

6. Any encroachment on land, allotted by the Central or the State Government, as the case may be, under section 5, for construction of a religious place, shall be removed by the Government.

Religious places on private land to be removed

7. Any religious place set up by a person or organisation on any land, which has not been allotted by the Government for the specific purpose of establishing a religious place, shall be removed by the Government.

STATEMENT OF OBJECTS AND REASONS

In the name of religion a number of gurdwaras, mandirs, masjids and churches have been set up in almost all parts of the country without taking any prior permission from the Government with the result that the Government could not later on demolish the same because of the religious sanctity attached to them. The people have acquired huge land in the name of religion. Although Government has been making all arrangements in the new colonies and is earmarking lands for establishment of religious places, illegal construction of such places on private land or land acquired by encroachments on public or private land has been increasing with the result that some of these places are being later on misused by the people in the name of religion. Therefore, this Bill seeks to provide for the removal of religious places constructed on encroached land. It also provides that the religious places shall be constructed only on the land allotted by the Government for that purpose and prohibits any encroachment on such land. It also prohibits establishment of such places by any person on private land.

NEW DELHI;
January 9, 1985.

B. V. DESAI.

BILL NO. 3 OF 1985

A Bill to prevent misuse of religious places.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Misuse of Religious Places Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Prohibition on storing of arms in religious places.

2. The use of all religious places such as gurdwaras, mandirs, mosques and Churches and the places belonging to or connected with such religious places for storing of arms and ammunition shall be prohibited.

Religious places not to give protection to criminals, etc.

3. The religious places shall not be used for giving protection to persons declared to be criminals or anti-national under the law.

Constitution of Committee to inspect religious places.

4. (*1*) All religious places shall be inspected regularly by a Committee, constituted by the Central Government, consisting of representatives of various communities.

(*2*) The Committee shall submit its report to the Central Government once in a year and the report of the Committee shall be laid on the Table of both Houses of Parliament.

Committee to be responsible for misuse of religious places.

5. The Committee shall be held responsible for the misuse of a religious places, if the Committee does not report about such misuse to the Central Government.

STATEMENT OF OBJECTS AND REASONS

In the recent happenings in Punjab, large number of arms and ammunition and their manufacturing units have been unearthed during the military action. These arms were stockpiled in the vicinity of Golden Temple and were being used against innocent people. There was an arms manufacturing unit in the Golden Temple. Arms were also obtained from various other countries and dumped there in the name of God. The situation was so grave that Government had no other alternative but to allow the entry of armed forces in such places. If timely action had not been taken by the Government, the whole country would have been put to danger. The misuse of religious places by extremists and criminals has shown that in the name of religion these places were used by anti-national activities. To avoid such recurrence in future, it is high time that a legislation is enacted to put a ban on dumping of arms and providing shelter to extremists and criminals in religious places.

Hence this Bill.

NEW DELHI;
January 9, 1985.

B. V. DESAI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Committee, consisting of representatives of various communities, by the Central Government to inspect all religious places regularly. There will be some expenditure on travelling, etc. by the Committee. The Bill, if enacted, will therefore, involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty thousand.

BILL No. 24 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 326 of the Constitution, for the words "twenty-one years of age", the words "eighteen years of age" shall be substituted. Amendment of article 326.

STATEMENT OF OBJECTS AND REASONS

Thousands of youths have been demanding and agitating to bring down the age limit to eighteen from twenty-one years in order to get themselves registered in the voters' list for voting at elections to the House of People and to State Assemblies.

National aspirations cannot be fulfilled without the participation of youth in the national mainstream. Our socio-economic system can be made more meaningful if we take the help of youth.

For entry into the Central and State Government services the lower limit of age is eighteen years. If the youth of eighteen years of age can take the responsibility of carrying on the duties of the Central and the State Governments, then why they will not be able to participate in the elections for electing their representatives to the House of the People and to the State Legislative Assemblies? In Panchayat and civic elections some State Governments, *e.g.*, West Bengal, have brought down the lower age-limit to eighteen years to the satisfaction of the youth.

To give respect to the feelings of a large section of the youth of our country and to strengthen our democratic system, this change in the Constitution of India should be made.

The Bill seeks to achieve this objective.

NEW DELHI;
January 16, 1985.

SATYAGOPAL MISRA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to enable persons who attain the age of 18 years to vote in the elections to the House of the People and the Legislative Assemblies of the States. It would involve additional financial expenditure on preparation of electoral rolls, etc. Though it may not be possible to estimate the exact amount required for this purpose, a recurring expenditure of rupees fifty lakhs is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

BILL NO. 45 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985.

(*2*) It shall come into force at once.

Insertion of new article 31.

2. After article 30 of the Constitution, the following sub-heading and article shall be inserted, namely:—

"*Right to work*

Right to work.

31. Every citizen shall have the right to work and the State shall provide employment to every citizen.".

Substitution of article 41.

3. For article 41 of the Constitution, the following article shall be substituted, namely:—

Right to education and to public assistance in certain cases.

"41. The State shall make effective provision for securing the right to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.".

STATEMENT OF OBJECTS AND REASONS

Right to work should be a fundamental right for every able bodied person in a progressive society. It is not so in our country. Unemployment is increasing day by day. Today the number of registered unemployed persons is almost three crores. Besides, there are other who have not registered their names or who are part-employed. The total unemployment figure stands at a staggering 10 crores, approximately. This evil of unemployment is *inter alia* causing erosion of moral values, increase in crimes and retardation of economic growth and provides a grim prospect for the future. But, even in this situation, Government is not bound to take effective measures to provide jobs to all unemployed. Limited Right to Work mentioned in the Directive Principles remains outside the purview of the Courts of law. If Right to Work is made a fundamental right, the person seeking employment unsuccessfully can seek the help of the Courts of law to move Government in providing job to him. Right to Work as a fundamental right will give a new direction and responsibility to the Government to take all necessary measures to guarantee employment to the people. It will usher in a new society in our country.

Hence this Bill.

NEW DELHI;
January 21, 1985.

SAIFUDDIN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making the right to work as a fundamental right. For providing employment the Central Government and the State Governments shall have to open new industries, expand and uplift small and cottage industries and shall have to take other basic economic measures that will create jobs. Though at present it is not possible to estimate exactly the expenditure likely to be involved in providing employment to all citizens, it is likely to involve a recurring expenditure of about rupees one hundred crores per annum from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty crores.

BILL No. 47 OF 1985

A Bill to promote secularism in the country.

WHEREAS the Preamble to the Constitution of India declares India to be a Sovereign Socialist Secular Democratic Republic;

AND WHEREAS secularism means the separation of the State from religion as well as non-discrimination by the State among citizens on the grounds of religion;

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Promotion of Secularism Act, 1985. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Public functionaries not to associate with religious functions and organisations.

2. The President of India, the Vice-President of India, the Prime Minister, the Chief Ministers of States and Ministers of the Unions and State Governments shall not associate themselves with any religious function or organisation in their capacity as such public functionaries.

State not to provide funds to religious organisations, etc.

3. The State shall not provide funds to religious organisations or for religious functions.

Religious rites not to be observed at Government functions.

4. No religious rites shall be observed at any Government function.

Political partics not to use religious places for political purposes.

5. The political parties are barred from utilising places of worship and exploiting religious sentiments for political and electoral gains.

Nationalisation of education, etc.

6. *(1)* **Education is nationalised and the State shall endeavour to inculcate the ideas of patriotism and unity of the People by rewriting books of history and other books of social sciences.**

(2) Curricula in various universities and academic institutions shall be revised in such a way as to discard the ideas of obscurantism, casteism and communalism and provide a scientific outlook.

(3) Educational facilities shall be ensured to all citizens irrespective of their religion.

State not to interfere in religious matters

7. Religion shall be a private affair of the citizen, who shall have the right to profess his faith without fear or favour and the State shall neither itself interfere nor allow any other interference in any religious affairs.

Act to have overriding effect.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

Free India has accepted Secularism as an article of faith. But the ideals of Secularism have been eroding day by day. Communal strifes and intolerance in different parts of the country are testimony to all this. These are harming the unity and integrity of the country. The enemies of the country, particularly the imperialists, are exploiting communal differences to divide the people and thereby destabilise the country. It is time that the State undertakes firm measures to inculcate the ideals of Secularism in the minds of the people.

Hence this Bill.

NEW DELHI;
January 30, 1985.

SAIFUDDIN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rewriting the books of history and other books of social sciences. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees two crores.

BILL NO. 26 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 16 of the Constitution, the following new article shall be inserted, namely:— Insertion of new article 16A.

"16A. (*1*) All adult citizens shall have the right to work and to have adequate means of livelihood. Right to work.

(*2*) Where a citizen is not provided with work to enable him to earn his livelihood, the State shall render him assistance with an unemployment allowance.".

STATEMENT OF OBJECTS AND REASONS

Under articles 39 and 41 of the Constitution, it is provided that the State shall direct its policy towards securing for its citizens the right to work and adequate means of livelihood but these articles have not achieved their desired purpose and unemployment has assumed alarming proportions in the country.

In a welfare State it is the duty of the Government to provide work for all its able-bodied citizens. Failing to procure adequate means of livelihood to any of its citizens, the State should render assistance to them in the form of unemployment allowance.

The Bill seeks to achieve this object.

NEW DELHI;
January 21, 1985.

GEETA MUKHERJEE.

FINANCIAL MEMORANDUM

The Bill when enacted will enable the Government to render assistance to unemployed persons through the payment of unemployment allowance till such time as they are provided with gainful employment.

The unemployed are estimated to be not less than 10 million persons in the country at present. Various efforts made to provide employment through labour-intensive schemes may at best cover 4 millions, leaving 6 million still as unemployed. Paying an unemployment allowance of Rs. 100/- per month per head will involve an annual recurring expenditure of Rs. 720 crores from the Consolidated Fund of India. The Bill will not involve any non-recurring expenditure.

BILL NO. 32 OF 1985

A Bill further to amend the Code of Criminal Procedure, 1973 and the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Marriage Laws (Amendment) Act, 1985.

Insertion of new section 69A.

2. After section 69 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Criminal Procedure Code), the following new section shall be inserted, namely:—

Service of summons by publication of notice in newspaper.

"69A. Where the person summoned has shifted his residence and the address of the new residence of the person summoned is not known, the Magistrate may order for the service to be effected by publication of a notice to that effect in a daily newspaper normally circulated in the area in which the person summoned last resided and after the publication of the notice in the newspaper, it shall be deemed that the service has been effected".

Amendment of section 125.

3. In section 125 of the Criminal Procedure Code, in sub-section (*1*), for the words "not exceeding five hundred rupees", the words "which shall not be less than fifty per cent of his income" shall be substituted.

Insertion of new sections 125A, 125B and 125C.

4. After section 125 of the Criminal Procedure Code, the following new sections shall be inserted, namely:—

Order for maintenance during pendency of petition.

"125A. The Magistrate may, at any time after the filing of the application under section 125, on being satisfied that the applicant has no sufficient income to maintain himself or herself or to bear the necessary expenses of the application, order that the respondent shall pay the expenses of the application and such sum every month, during the pendency of the application, for the maintenance of the applicant as may be just and reasonable:

Provided that the Magistrate may pass such an order before service of summons to the opposite party if he is satisfied that there is sufficient proof of the existence of relationship between the parties as provided under sub-section (*1*) of section 125 and that the circumstances of the case are so grave and serious in nature that they require passing of an immediate order for payment of interim maintenance.

Order for maintenance in case of desertion.

125B. The Magistrate may, after verifying the fact given in an affidavit filed by an aggrieved wife that she has been deserted by her husband and on being satisfied that she has no sufficient income to maintain herself and her children, order the employer of the husband to pay directly to the wife such sum from the salary of the husband every month, as may be necessary, for the support and maintenance of the wife and her children:

Provided that if the affidavit is proved to be false, the applicant shall be punished with an imprisonment which may extend to six months but which shall not be less than two months and with fine amounting to the amount she has already received from the employer of the husband plus rupees five hundred.

Order as to place of residence.

125C. The Magistrate may, immediately after filing of the application, on being satisfied, that the woman has been driven out of the house by her husband or his other family members and has no other place to live, order that the wife shall be allowed to stay in one part of the residence of her husband till such time the husband makes separate arrangement for her residence at his own expense.".

Amendment of section 126.

5. In section 126 of the Criminal Procedure Code, in sub-section (*2*), in the proviso, after the words "or wilfully neglecting to attend the Court,", the words "or not attending the court even after publication of notice in the newspaper as provided under section 69A," shall be inserted

Amendment of section 127.

6. In section 127 of the Criminal Procedure Code, in sub-section (*3*), clause (*b*) shall be omitted.

Amendment of section 13.

7. In section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the Hindu Marriage Act), sub-section (*1*) shall be omitted. 25 of 1955

Amendment of section 25.

8. In section 25 of the Hindu Marriage Act, in sub-section (*1*), for the words "passing any decree" the words "passing any final order decreeing or dismissing the petition" shall be substituted.

Amendment of section 27.

9. In section 27 of the Hindu Marriage Act, the following proviso shall be added at the end, namely:—

"Provided that the court shall have the jurisdiction to decide which of the property was given exclusively to the wife and the court may also pass order for the return of any such property which was given exclusively to the wife but is proved to be at present in possession of the husband."

STATEMENT OF OBJECTS AND REASONS

Tensions are building up in the matrimonial relationship due to rapid changes in the social and economic conditions, industrialisation and changes in the value system. Indian society which has come under the influence of Western culture, without discarding the feudal mentality, has accepted its consumerism and materialist outlook on life. However, failure to appreciate the fundamental value of equality of human beings has resulted in the erosion of moral values.

Women are the worst victims of this phenomenon. The rudderless society which has lost its traditional values and is incapable to accept modern ones is denying justice to the women. No wonder, cases of dowry deaths, desertions, rapes and prostitution are on the increase.

Despite many benevolent laws the women continue to suffer. Besides economic dependence on the husband for survival, poverty and ignorance of law, basic defects in the laws of maintenance and marriage contribute to the factors responsible for the perpetration of injustice to women and children. Changes in these laws will help in getting expeditious relief.

This Bill seeks to amend the Code of Criminal Procedure, 1973 and the Hindu Marriage Act, 1955 so as to plug loop-holes in the existing laws and provide expeditious relief to the women irrespective of their religious faith.

NEW DELHI;
January 23, 1985.

GEETA MUKHERJEE

BILL No. 27 OF 1985

A Bill to regulate employment of child labour.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Regulation of Employment of Child Labour Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'child' means a person who has not completed eighteen years of age;

(*b*) 'hazardous', in relation to an occupation or job, means any occupation or job which has a tendency to cause physical or mental harm to the health of children employed in the job.

3. No child shall be employed in any job which is hazardous. Prohibition on employment of children in hazardous job.

4. No child shall be employed in any occupation for more than five hours in a day. Restriction of working hours.

5. A child shall be entitled to same wages as are payable to other workmen in the concerned industry: Payment of wages equal to wages of other workmen.

Provided that the take home pay of the child shall be proportionate to five hours of work.

6. (1) The wages for three hours a day in respect of every child labour calculated in proportion to eight hours of work a day shall be contributed by the employer to a central fund to be called the Child Labour Welfare Fund which shall be created and administered by the Central Government. Creation of Child Labour Welfare Fund.

(2) For each sum of money received in the Child Labour Welfare Fund from an employer in respect of a child labour, the Central Government shall make a matching contribution.

7. The Child Labour Welfare Fund shall be utilised to set up institutions for general education and vocational training of all such children as are covered under this Act. Institutions for education and training of child labour.

8. The Central Government may, by notification in the Official Gazette, make rules in regard to the attendance of children in the institutions set up under section 7. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

All efforts either to abolish or regulate child labour in India have so far not yielded adequate results. While, on the one hand, parents send their children to work even before they enter their teens, on the other, the employers, particularly those in the unorganised sector, tend to exploit the poverty of the people and secure the services of the children for a pittance.

The Bill seeks to regulate the employment of child labour, firstly, by defining a child as a person who has not attained eighteen years of age and, secondly, it provides for payment of a wage to a child that is equal to the wage paid in the industry to a workman, thereby providing a disincentive to the employment of child labour. Though the hours of work for a child have been reduced to five, and the child would receive a wage proportionate to the hours worked, the employer is obliged to contribute three hours' wage to a central fund to be created for the purpose of setting up of educational and vocational training institutions to provide training to the children who are employed in any sector of industry.

NEW DELHI;
January 23, 1985.

GEETA MUKHERJEE

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for contribution by the Central Government to the Child Labour Welfare Fund at the rate of three hours wages payable to each of the child labour. Administration of the Fund by the Central Government will also involve some expenditure. An annual recurring expenditure of rupees ten crores is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules of attendance, etc. of children in the institutions to be set up by the Central Government under clause 7 of the Bill. The matters in respect of which rules may be made will relate to administrative details only and as such the delegattion of legislative power is of a normal character.

BILL NO. 31 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In article 200 of the Constitution, for the words "the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:", the words "the Governor shall, as soon as possible and in any case not later than three months after the presentation to him of the Bill for assent, declare either that he assents to the Bill or that he withholds assent therefrom:" shall be substituted. Amendment of article 200.

3. In article 201 of the Constitution, for the words "the President shall declare", the words "the President shall, as soon as possible and in any case not later than three months after the Bill has been reserved by the Governor for the consideration of the President, declare" shall be substituted. Amendment of article 201.

STATEMENT OF OBJECTS AND REASONS

Articles 200 and 201 of the Constitution provide for assent to the Bills passed by State Legislatures. The Bills passed by the State Legislatures shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President. There are two infirmities in this process. One is that there is no time limit for the Governor for declaring his decision. Second is that there is general discretionary power with the Governor to reserve any Bill for consideration of the President, while there is no specific provision in the Constitution, except in the second proviso to article 200 and clause (2) of article 288, which requires a Bill passed by a State Legislature to be reserved for the consideration of the President. Under the second proviso to article 200, the Governor shall reserve for the consideration of the President any Bill which, in the opinion of the Governor, would, if it became law, so derogate from the powers of the High Court as to endanger the position which that court is by the Constitution designated to fill. Under clause (2) of article 288, no law of the Legislature of a State seeking to impose any such tax as is mentioned in clause (1) of that article shall have effect unless it has, after having been reserved for the consideration of the President, received his assent.

The experience during the last 35 years has shown firstly, that the Governor often takes unusual time to declare his assent to the detriment of the people by causing delay to give effect to the mandate received from the electorate by the power that be; and secondly, the Governor may withhold his assent to the Bills and reserve for the consideration of the President any Bill whether covering a subject falling under the State List or the Concurrent List, which again refrains the power that be from expeditiously giving effect to the mandate obtained by it from the people. Instances are there which show that some Bills passed by the State Legislatures were not given presidential assent even after two and a half years from the date of their receipt by the President. The West Bengal Land Reforms (Amendment) Bill, 1981, remains yet to be assented to by the President. This has refrained the State Government of West Bengal from giving effect to the Land Reforms (Amendment) Bill, 1981, which seeks to plug the loop-holes through which considerable quantity of land has been retained by the big landlords. It is estimated that about 40 lac acres of surplus land will be available if the Bill is made into a law and strictly enforced. If a time limit is imposed within which the Governor and the President shall dispose of the matter, this kind of situation may be averted. At the same time, the Governor's right to reserve the Bills for the consideration of the President should be confined only to those Bills passed by a State Legislature which are required to be reserved for the assent of the President under the specific provisions of the Constitution. The general discretion given to the Governor at present in this regard under the existing provisions of article 200 should be withdrawn.

Hence this Bill.

NEW DELHI;
January 23, 1985.

GEETA MUKHERJEE.

BILL No. 23 OF 1985

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:-

Short title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1985.

Amendment of section 125.

2 of 1974.

2. In section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), after sub-section (5), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

"(6) No woman who has been divorced by, or has obtained a divorce from, her husband shall be entitled to receive an allowance under this section if she has received, or if she has been offered and she has refused, the whole of the sum which, under any customary or personal law applicable to the parties, was payable on such divorce.

Explanation.—Notwithstanding any judgment, decree or order of any court, the payment or offer of payment of the whole amount of the sum referred to in this sub-section, shall be sufficient compliance with this sub-section and the quantum of the sum shall not be questioned in any court on any ground.".

Amendment of section 127.

3. In section 127 of the principal Act, clause (*b*) to sub-section (3) shall be omitted.

A decree or order of a court inconsistent with the Act to be ineffective.

4. Any decree or order of any court made before the date of coming into force of this Act, in so far as it is inconsistent with the provisions of this Act, shall, to the extent of such inconsistency, cease to be effective on and after the date of coming into force of this Act.

STATEMENT OF OBJECTS AND REASONS

When the Code of Criminal Procedure of 1898 was amended in 1973, section 488 in the old Code dealing with the maintenance of wives and children was replaced by a new section 125. It was provided that if any person having sufficient means neglects or refuses to maintain his wife, unable to maintain herself, a Magistrate may order such person to make a monthly allowance for the maintenance of his wife. Explanation (b) to sub-section (1) of section 125 of the Code of Criminal Procedure, 1973 defined "wife" to include 'a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried'.

2. It was, however, recognised that 'in certain cases under customary or personal law, certain sums are payable to a divorced woman and in case they are paid, the Magistrate's order giving maintenance should be cancelled'. Accordingly, clause (b) was specifically added to sub-section (3) of section 127 to provide for the cancellation of the order where the woman divorced by her husband "has received whether, before or after the date of the said order, the whole of the sum which, under any customary or personal law applicable to the parties was payable on such order".

3. It is significant to note that while moving the amendment to add clause (b) to sub-section (3) of section 127, the Hon'ble Minister Shri Ram Niwas Mirdha had categorically stated:—

> "As I said, under customary or personal law of certain communities certain sums are due to a divorced woman. Once they are paid, the Magistrate's order giving maintenance could be cancelled. Now, whether the maintenance should be reasonable or unreasonable is not the point." (Lok Sabha Debates, dated 11-12-1973, Col. 317).

4. It has now been held by the Supreme Court in *Bai Tahira* v. *Ali Hussain* (AIR 1979 S.C. 362) that no person can claim under section 127(3) (b) absolution from his obligation under section 125 towards the divorced woman except on proof of a payment of sum stipulated by customary or personal law whose quantum is more or less sufficient to do duty for maintenance allowance.

5. The aforesaid judgment clearly ignores the history of the legislation and defeats the very purpose of section 127(3) (b) which was specifically added to avoid encroachment on personal law applicable to the parties, especially the Muslim Personal Law. The Bill, therefore, seeks to rectify the situation.

6. Section 127(3) (b) also creates a procedural difficulty. Two separate stages are involved, one for an order under section 125 and only thereafter the stage under section 127(3) (b) arises. The Bill seeks to simplify the procedure.

G M. BANATWALLA

NEW DELHI;
January 23, 1985.

BILL NO. 29 OF 1985

A Bill further to amend the Land Acquisition Act, 1984.

BE it enacted by Parliament in the Thirty-sixth year of the Republic of India as follows:—

Short title.

1. This Act may be called the Land Acquisition (Amendment) Act, 1985.

Amendment of section 4.

1 of 1894.

2. In section 4 of the Land Acquisition Act, 1984, after sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided that no Land Acquisition Authority shall have or be deemed to ever have any jurisdiction to issue notification in respect of any piece of land, with or without super-structure thereon, belonging to any community or denomination thereof, and set apart for worship or for the performance of funeral rites or as depository for the remains of the dead, including the site of temple, mosque, church, gurdwara, synagogue, idgah, imambara, ashoorkhana, grave; tomb; sepulchre, graveyard, cemetry, *marghat* and tower of silence, etc., and the land appurtenant thereto as well as the means of access to the same.".

STATEMENT OF OBJECTS AND REASONS

The Land Acquisition Act, 1894 contains no explicit bar to acquistion of properties of religious significance. Recent attempt at such acquisition has created serious apprehensions among members of religious communities. The Bill, therefore, seeks to bar explicitly all such acquisitions. The protection is extended to all such land with or without any structure thereon, as may belong to any community or denomination thereof, and as may be set apart for worship or for the performance of funeral rites or as depository for the remains of the dead.

NEW DELHI; G. M. BANATWALLA

January 23, 1985.

BILL NO. 35 OF 1985

A Bill to provide for removal of undue restrictions on freedom of religion.

WHEREAS article 25 of the Constitution of India, *inter alia,* provides that all persons are entitled freely to profess, practise and propagate religion;

AND WHEREAS the right to propagate religion logically leads to legitimate conversions to that religion;

AND WHEREAS this right has been unduly restricted by laws passed by some State Legislatures by creating new criminal offences;

AND WHEREAS experience has disclosed that the use of criminal law for this purpose has led to persecution and inhibition of legitimate religious activity;

AND WHEREAS the use of force or fraud is adequately dealt with by the existing provisions in the Indian Penal Code, 1860. 45 of 1860.

AND WHEREAS under entry 97 of List I of the Seventh Schedule to the Constitution of India, Parliament is competent to legislate on the subject of religious freedom;

AND WHEREAS under entry 1 of List III of the Seventh Schedule to the Constitution of India, Parliament is competent to legislate on the subject of criminal law and to prevent the misuse of criminal law for any purpose whatsoever;

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Freedom of Religion (Removal of Restrictions) Act, 1985.

(2) It shall come into force at once.

Repeal of certain laws.

2. The laws specified in the Schedule hereto annexed shall stand repealed.

THE SCHEDULE

(*See* section 2)

1. The Orissa Freedom of Religion Act, 1967.
2. The Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968.
3. The Arunachal Pradesh Freedom of Religion Act, 1978.

STATEMENT OF OBJECTS AND REASONS

The three pieces of local legislation mentioned in the Schedule to the Bill have placed undue restrictions on the right freely to profess, practise and propagate religion. They have thus created an intense feeling of dissatisfaction and persecution among the minorities, particularly the Christians in these areas. The Bill is intended to repeal these Acts and remove the misgivings of the minorities.

NEW DELHI;
January 23, 1985.

G. M. BANATWALLA.

BILL No. 30 OF 1985

A Bill to provide for the establishment of a permanent Bench of the High Court of Himachal Pradesh at Hamirpur.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the High Court of Himachal Pradesh (Establishment of a Permanent Bench at Hamirpur) Act, 1985. short title.

2. There shall be established a permanent Bench of the High Court of Himachal Pradesh at Hamirpur, and such judges of the High Court of Himachal Pradesh, being not less than two in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Hamirpur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in Hamirpur, Kangra, Una, Chamba, Mandi and Bilaspur districts of Himachal Pradesh. Establishment of a permanent Bench of the High Court of Himachal Pradesh at Hamirpur.

STATEMENT OF OBJECTS AND REASONS

There is dire need for locating a Bench of the High Court of Himachal Pradesh at Hamirpur for the administration of speedy and cheap justice and for the convenience of the litigant public of the region. The Bill provides for the establishment of such a Bench at Hamirpur, which is a central and well connected city in the region.

Hence this Bill.

NARAIN CHAND PARASHAR

NEW DELHI;
January 23, 1965.

BILL NO. 33 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In article 366 of the Constitution, after clause (14) of the following clause shall be inserted, namely:— Amendment of article 366.

'(14A) "hill areas" means—

(*i*) the districts of Mikir and North Cachar in Assam;

(*ii*) the Nilgiris in Tamil Nadu;

(*iii*) the districts of Uttar Kashi, Chamoli, Pithoragarh, Tehri Garhwal, Garhwal and Almora, Nainital and Dehradun in Uttar Pradesh;

(*iv*) the district of Darjeeling in West Bengal;

(*v*) all the districts of Jammu and Kashmir;

(*vi*) all the districts of Himachal Pradesh;

(*vii*) all the districts of Nagaland;

(*viii*) all the districts of Manipur;

(*ix*) all the districts of Tripura;

(*x*) all the districts of Meghalaya;

(*xi*) all the districts of Sikkim;

(*xii*) all the districts of Arunachal Pradesh;

(*xiii*) all the districts of Mizoram;

(*xiv*) Chhota Nagpur division, districts of Hazaribagh and Santhal Parganas, Nalanda and Gaya in Bihar;

(*xv*) districts of Sambalpur, Keonjhar, Koraput, Sundaragarh and Mayurbhanj in Orissa;

(*xvi*) districts of Chikmagallur in Karnataka;

(*xvii*) districts of Bastar and Surguja in Madhya Pradesh.'.

Insertion of new article 371G.

3. After article 371F of the Constitution, the following article shall be inserted, namely:—

Special provision with respect to hilly areas.

"371G. Notwithstanding anything in this Constitution, the President shall by order provide for the special responsibility of the Union Government for—

(*a*) the establishment of special development cells for hill areas, as defined in clause (14A) of article 366, in the concerned Union Ministries/Departments, for development, particularly, in the field of railways, roads, posts and telegraphs and other means of communications, information and broadcasting, banking, industries, river valleys, drinking water and water power, forests, tourism, agriculture, live-stock, health, education; technical education and vocational training with the provision that a consolidated report on the working of special development cells in various Ministries shall be placed before Parliament every year;

(b) **the allocation of adequate funds for developmental expenditure over the said areas in each one of the Union Ministries/Departments."**

STATEMENT OF OBJECTS AND REASONS

The hilly regions of the country have been neglected generally in the various development programmes. They also lack in infrastructure and are lagging behind in industrial development. The very heavy cost of the construction of roads, railway lines bridges etc. in these areas on the one hand and the lack of modern amenities available in the flourishing commercial and industrial towns and their suburban pockets in the plains on the other have led to the neglect and exploitation of hilly regions and the well-to-do sections have started migrating to such towns. Consequently, the hilly regions of the country have experienced a lot of hardship and suffering. The natural resources and the raw materials from these areas have generally been taken to the plains where factories and industries based on these raw matrials and natural resources flourished. In some cases the large business houses and commercial high-ups have exploited the situation to their own advantage thus exploiting the hill people and hilly regions even further.

It is, therefore, necessary that the hilly regions are assured of the development of infrastructure, rail and road transport, telecommunications and industries, commerce, agriculture and horticulture in their own lap, and thus get their due.

Hence, the Bill to ensure balanced development of these regions and to provide a statutory guarantee for adequate allotment of funds in each one of the relevant spheres.

NEW DELHI;
January 23, 1985.

NARAIN CHAND PARASHAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides, *inter alia* for the special responsibility of the Union Government for the allocation of adequate funds for developmental expenditure over the hilly areas. A recurring expenditure of about rupees two hundred and fifty crores is likely to be involved from the Consolidated Fund of India on this account.

No non-recurring expenditure is likely to be involved.

BILL NO. 28 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In the Eighth Schedule to the Constitution, entries 10 to 15 shall be re-numbered as entries 11 to 16 respectively, and before entry 11 as so re-numbered, the entry "10, Pahari (Himachali)." shall be inserted. Amendment of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Pahari (Himachali) is the language of the people of Himachal Pradesh and has been recorded as such in the various Census Returns. The Himachal Pradesh Assembly in its unanimous resolution dated 30th September, 1970, has recognised Pahari with its various dialects as the regional language of Himachal Pradesh. A State Academy known as "Himachal Academy of Arts, Culture and Languages" has been set up by the Government of Himachal Pradesh to promote Pahari language in Devnagri script and its literature.

Pahari has a rich literary tradition spreading over centuries. There are nearly 100 writers who have enriched the Pahari literature with their creative works like poems, plays, short stories, prose, articles and translations from other languages. The State Government has also set up a separate Department of Arts, Languages and Culture to ensure the growth of Pahari and to promote its literature.

It is, therefore, desirable that Pahari is included in the Eighth Schedule to the Constitution of India.

Hence this Bill.

NEW DELHI;
January 23, 1985

NARAIN CHAND PARASHAR

BILL No. 36 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1985.

Amendment of article 60.

2. In article 60 of the Constitution, for the words "Chief Justice of India or, in his absence, the senior most Judge of the Supreme Court available", the words "Speaker of the House of the People or, in his absence, the Deputy Speaker thereof" shall be substituted.

Amendment of article 159.

3. In article 159 of the Constitution, for the words "Chief Justice of the High Court exercising jurisdiction in relation to the State, or, in his absence, the senior most Judge of that Court available", the words "Speaker of the Legislative Assembly of the State or, in his absence, the Deputy Speaker thereof" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In a democratic set up where Parliamentary democracy is the acknowledged form of Government, the Hon'ble Speaker of Lok Sabha and the Speakers of Vidhan Sabhas are the symbols of the collective will of the people as reflected through the Legislatures at the Centre and the States. It is, therefore, only befitting that the Hon'ble Speakers of Lok Sabha and Vidhan Sabhas of the respective States and Union Territories, where the Legislatures exist, are accorded a very high place in our body politic. Moreover, the Constitution (articles 94 and 179) provides that even when these Legislatures are dissolved, the Hon'ble Speakers shall continue to be in office till the next Houses have their first sitting after election. It is, therefore, essential that this high position of Presiding Officers of Legislatures is accorded due recognition in the set up of the State and especially in the Warrant of Precedence. The prestige of the Presiding Officers of the Central and State Legislatures will be considerably enhanced by their administering the oath of office and secrecy to the President of India at the Centre and the Governors in the States. It is, therefore, proposed to provide for administration of the oath of office to the President of India by the Hon'ble Speaker of Lok Sabha (and in his absence, the Hon'ble Deputy Speaker of Lok Sabha) and to the Governors of various States by the Hon'ble Speakers of the respective Legislative Assemblies and their Deputy Speakers, in the absence of Speakers.

Hence this Bill.

NEW DELHI;
January 23, 1985.

NARAIN CHAND PARASHAR

BILL NO. 25 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. After article 18 of the Constitution, the following sub-heading and article shall be inserted, namely:— Insertion of new article 18A.

"Right to Employment

18A. (*1*) **Every citizen of India, within the age limit of eighteen years to sixty-five years, shall have the right to employment.** Right of employment and unemployment allowance.

(*2*) **Every citizen of India, within the age limit of eighteen years to sixty-five years, who is not provided with employment shall be given an unemployment allowance at the rate of rupees one hundred per month".**

STATEMENT OF OBJECTS AND REASONS

Energy and intelligence of the youth of our country can be fully utilised by providing a suitable job to every youth, Nation can prosper more if we can utilise the manpower which we have in our country.

It is the aspiration of the country to provide a job to every youth. After 37 years of Independence no youth of our country should have been left without employment. In order to achieve the socialistic objective of our Constitution, right to employment should be made fundamental right.

The Bill seeks to achieve this objective.

NEW DELHI; SATYAGOPAL MISRA

January 25, 1985.

FINANCIAL MEMORANDUM

The Bill provides for payment of unemployment allowance to every unemployed citizen at the rate of Rs. 100.00 per month. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of this provision in the Union territories and at the same time towards making grants-in-aid to the States to meet the entire expenditure. An annual recurring expenditure of about rupees twenty-five crores is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about two crores is also likely to be incurred for carrying out the purposes of this Bill.

BILL No. 37 OF 1985

A Bill to provide for the welfare of women employed in various industries and establishments.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Working Women Welfare Act, 1985.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means, in relation to the centrally-owned public sector undertakings, the Central Government and in relation to any other public undertakings, the State Governments;

(*b*) "child" includes a still-born child;

(*c*) "employer" means—

(*i*) in relation to an establishment which is under the control of the Government, a person or authority appointed by the

Government, for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(*ii*) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed the chief executive officer of the local authority;

(*iii*) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

(*d*) "establishment" means—

(*i*) a factory;

(*ii*) a mine;

(*iii*) a plantation;

(*iv*) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(*e*) "factory" means a factory as defined in the Factories Act, 1948; 63 of 1948.

(*f*) "Fund" means the Working Women Welfare Fund constituted under section 3 of this Act;

(*g*) "industry" means an industry as defined in the Industrial Disputes Act, 1947; 14 of 1947.

(*h*) "women" means and includes a woman employed, whether directly or through any agency, for wages or for similar other consideration in any establishment or industry;

(*i*) definition of any other term, relating to women employees, for the purpose of this Act, shall be the same as defined in any labour law, applicable in such cases.

Constitution of Working Women Welfare Fund.

3. (*1*) **The Central Government shall constitute a fund to be called the Working Women Welfare Fund for carrying out the purposes of section 4.**

(2) The Government and the employees of women employees each shall contribute separately to the Fund at the rate of ten per cent. of wages payable to each of the women employed by an employer.

(*3*) The women employees shall not be required to contribute anything to the Fund.

Application of Fund.

4. The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which are necessary or expedient to promote the welfare of the women employees employed in various industries and establishments, including Government

establishments to defray the cost of measures for the benefit of women employees employed in various industries and establishments and in particular—

(*i*) to ensure the right to work for the women employees in any industry or establishment;

(*ii*) to ensure equal wages to women employees;

(*iii*) to ensure steady and definite increase of the women employees in the total work force;

(*iv*) to ensure, after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;

(*v*) to ensure child care facilities for the women employees with minimum needs like milk, tiffin, clothes, toys and trained ayahas to look after the children;

(*vi*) to ensure mobile child care facilities for agricultural women employees;

(*vii*) to ensure retiring rooms with adequate facilities like bathrooms, latrines, etc. at the work-site for the women employees;

(*viii*) to ensure residential facilities for the women employees nearest to the place of work;

(*ix*) to ensure recreational facilities for the kide of the women employees at the child care centres;

(*x*) to ensure proper and adequate security arrangements for the women employees at the work site, as well as, to and from their residential places;

(*xi*) to ensure improved and conducive working conditions for the women employees;

(*xii*) to ensure reservation of beds in the hospitals for women employees;

(*xiii*) to ensure proper and adequate maternity facilities for the women employees;

(*xiv*) to ensure equality for married and unmarried women employees in the employment as well as in service conditions and wages;

(*xv*) to ensure hostel facilities for women employees, both married and unmarried, nearest to the place of work;

(*xvi*) to ensure cheap, safe and quick transportation facilities for women employees;

(*xvii*) to ensure protection from health hazards, particularly for the women employees working in industries like cashew, mines, tobacco, construction projects, etc.

Representation of women employees in trade unions.

5. The Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class.

Constitution of Advisory Committees.

6. (1) The Central Government shall constitute for each area, where industries and establishment are situated, Advisory Committees in respect of the area at the city level, district level and an apex body at State level, consisting of equal number of representatives from the Government, the employers and the trade unions, who shall preferably be women, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by the Government including matters relating to the application of the Fund.

(2) The members of committees so constituted shall from amongst themselves elect the Chairmen of the committees.

(3) The Central Government shall publish in the Official Gazette the names of the members of all Advisory Committees.

Central Advisory Committee.

7. The Central Government shall constitute a Central Advisory Committee which shall coordinate the functioning of all the Advisory Committees for their proper functioning and for the adoption of uniform policies.

Appointment of officers.

8. The appropriate Government may, by notification in the Official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provision of this Act.

Register of women employees.

9. The district level Advisory Committee shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer of the area regarding women employed by them and their specific needs, if any.

Annual report of Advisory Committees.

10. Each Advisory Committee shall, as soon as may be after the end of each financial year, prepare a comprehensive report of its activities of the last year which were financed from the Fund together with a statement of accounts.

Employer to furnish information in respect of women employees.

11. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish, for the purposes of this Act, such statistical and other information, in such form and within such period, as may be prescribed.

Overriding effect of the Act.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law or in the terms of any award, agreement or contract of employment, whether made before or after the coming into force of this Act, but where under any such award, agreement, contract of employment or otherwise, a woman employee is entitled to benefits in respect of any matters which are more favourable to her than those to which she would be entitled under this Act, she shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

Power to make rules.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The number of working women in industries and establishments is substantial and their living conditions need amelioration. Welfare facilities which are at present being made available to and enjoyed by the working women in various industries and establishments are not adequate and satisfactory. These measures have limited coverage inasmuch as they prescribe some measures to improve the working conditions of the working women in industrial premises only, such as cleanliness, ventilation, first aid, canteen, working hours, weekly holidays, etc. In so far as the field of labour welfare is concerned, the existing enactments do not provide for proper medical, educational, recreational facilities for them as well as for the children of the working women. Regarding security, transport, accommodation, special facilities for difficult days and some special problems peculiar to women, no enactment has been made. There are enough loopholes for the employers to escape the provisions of the existing enactments. Hence, it is felt that the burden to give reasonable working conditions and other facilities to the working women must fall upon the Government. A common fund for the welfare of the working women in all the industries and establishments will considerably reduce the administrative expenditure as well as the gap between the need and the availability of welfare measures for the working women. This Bill is intended to supplement the efforts of the employers or the Government in ameliorating the living conditions of the working women.

NEW DELHI;
January 30, 1985.

BIBHA GHOSH GOSWAMI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Working Women Welfare Fund. The Central Government and employers of women employees shall each contribute separately ten per cent. of the wages paid by them to the women employees. Clause 6 provides for the constitution of Advisory Committees at the city level, district level and State level. Clause 7 provides for the constitution of a Central Advisory Committee. Clause 8 provides for the appointment of officers for the proper enforcement of the Act. Clause 9 prvoides for the district level committees to maintain a register of women employees in its area. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve expenditure of about rupees five crores per annum.

A non-recurring expenditure of about rupees five lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 43 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In article 326 of the Constitution, for the words "and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature", the words, "and who has attained the age of eighteen years on the first day of January of the year in which the elections are held" shall be substituted. Amendment of article 326.

STATEMENT OF OBJECTS AND REASONS

A person is deemed to attain maturity at the age of eighteen years and gains recognition and responsibility in the eyes of law for his own acts and deeds. The Bill proposes to amend the Constitution so as to enable eighteen year olds to vote in the elections to the House of the People and the Legislative Assemblies of the States. This is the practice throughout the world and the purpose of the Bill is to confer similar right on the eighteen year olds of the country.

NEW DELHI;
January 30, 1985.

PURNA CHANDRA MALIK

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to enable persons who have attained the age of eighteen years to vote in the elections to the House of the People and the Legislative Assemblies of the States. It would involve additional financial expenditure on preparation of electoral rolls, etc. It is likely to involve a recurring expenditure of about rupees fifty lakhs from the Consolidated Fund of India per annum.

No non-recurring expenditure is likely to be involved.

BILL No. 44 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985 Short title and commencement.

(*2*) It shall come into force at once.

2. In article 155 of the Constitution, for the words "appointed by the President by warrant under his hand and seal", the words "elected by the people of the State, in the same manner as the members of the Legislative Assembly of the State are elected," shall be substituted. Amendment of article 155.

3. In article 156 of the Constitution, in clause (*1*), for the word "President", the words "Legislative Assembly of the State" shall be substituted. Amendment of article 156.

4. In article 160 of the Constitution, after the word "President", the words ", in consultation with the Legislative Assembly or the Council of Ministers of the State," shall be inserted. Amendment of article 160.

5. In article 161 of the Constitution the following words shall be added at the end, namely:— Amendment of article 161.

"but shall not have the power to dismiss a Government formed by the elected representatives of the people of the State".

STATEMENT OF OBJECTS AND REASONS

The office of the Governor is of immense importance as the Constitution casts upon the Governor the responsibilities of preserving, protecting and defending the Constitution and the Law. During the term of his office, the Governor is mainly concerned with the affairs of the State in which he is to function as Governor. It is, therefore, in the fitness of the things that the post of Governor is made an elected one instead of a selected one. As the Governor is mainly concerned with the State in which he is functioning, he should be answerable to the State Assembly and the State Government. In the same way, all the functions of the Governor should be framed in consultation with the State Assembly| Government, so that he can effectively function in the best interests of the State concerned. He may be required to give a report to the State Assembly and a copy of which may be forwarded to the President for his information and record, incorporating his views about the goings in the State. In the absence of all these provisions in the Constitution, the institution of Governor is subjected to numerous misunderstandings and irritations between the Centre and the State. The Bill seeks to remove all these irritants.

Hence this Bill.

NEW DELHI;
January 30, 1985.

SUDHIR ROY

BILL No. 46 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In article 19 of the Constitution, in clause (*1*), after sub-clause (*g*), the following sub-clauses shall be inserted, namely:— Amendment of article 19.

"(h) to get employment according to their need and qualifications or to unemployment allowance till they get employment;

(i) to get educational facilities till they want to pursue their education.".

STATEMENT OF OBJECTS AND REASONS

Democracy without universal facility for education followed by total guarantee for employment, and in the absence of employment a guarantee for unemployment allowance, is a farce. Hence, right to work, education and unemployment allowance should be a part and parcel of the fundamental rights of the citizens of the country. Any talk of liberty, freedom and democracy is an insult to those who do not have an opportunity to read and who do not get employment after their education. Hence the Bill seeks to make the rights to education and employment as fundamental rights of the citizens.

New Delhi;
January 30, 1985.

SURESH KURUP

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for right to employment or unemployment allowance till the citizens get employment and right to educational facilities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crores per annum.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred.

BILL NO. 39 OF 1985

A Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Election Laws (Amendment) Act, 1985.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government, may, by notification in the Official Gazette, appoint.

Amendment of section 20 of Act 43 of 1950.

2. In section 20 of the Representation of the People Act, 1950, after sub-section (*1B*), the following sub-section shall be inserted, namely:—

"(*1C*) A person who lives abroad and who retains the Indian citizenship shall be deemed to be ordinarily resident and his name shall continue to be registered in the electoral roll of the constituency in which he was residing before leaving the country.".

Amendment of Section 60 of Act 43 of 1950.

3. In section 60 of the Representation of the People Act, 1951, after clause (*b*), the following clause shall be added, namely:—

"(*c*) any person, to whom the provisions of sub-section (*1C*) of section 20 of the Representation of the People Act, 1950, apply, to exercise his franchise in every election to the House of the People and to the Legislative Assemblies of the States.".

STATEMENT OF OBJECTS AND REASONS

Right to vote in an election is governed by the Representation of the People Act, 1950, and the Representation of the People Act, 1951. Under the Representation of the People Act, 1950, only a person "ordinarily resident" in a constituency is entitled to be registered in the electoral roll for that constituency. This has resulted in a large number of Indian citizens living abroad being rendered ineligible to vote in any elections held to either the Lok Sabha or the State Assemblies.

This Bill seeks to remove the ineligibility of the Indian citizens living abroad by making appropriate changes in the Representation of the People Acts (Act 43 of 1950 and 43 of 1951) so as to enable them to exercise their franchise.

NEW DELHI;
February 2, 1985.

P. J. KURIEN

BILL NO. 48 OF 1985

A Bill to provide for the taking over of the management of the undertaking of the Indian Tobacco Company Limited for a limited period in order to secure the proper management of the same.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title.

1. This Act may be called the Indian Tobacco Company Limited (Taking over of Management) Act, 1985.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "company" means the Indian Tobacco Company Limited, being a company as defined in the Companies Act, 1956, having its registered office at Calcutta;

(*b*) "notified order" means an order notified in the Official Gazette;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "undertaking" means the property and assets of the company;

(*e*) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

THE TAKING OVER OF THE MANAGEMENT OF THE INDIAN TOBACCO COMPANY LIMITED

Appointment of Board of Control to take over the management of the Company.

3. (*1*) The Central Government may, by notified order appoint a body of persons (hereinafter referred to as the "Board of Control") to take over the management of the whole or any part of the undertaking or to exercise in respect of the whole or any part thereof such functions of management as may be specified in the notified order.

(*2*) The Board of Control shall consist of a Chairman and such number of other members not exceeding ten as the Central Government may think fit, to be appointed by that Government.

(*3*) The Central Government may either in the notified order issued under sub-section (*1*) or in a subsequent order specify that one or more members of the Board of Control shall be a full-time member or full-time members thereof.

(*4*) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of the Board of Control shall be such as may be prescribed.

(*5*) The salaries, allowances and other remuneration and the conditions of service of the members of the Board of Control shall be such as may be determined by the Central Government.

(*6*) Any notified order issued under sub-section (*1*) shall remain in force for such period not exceeding five years as may be specified in the order:

Provided that if the Central Government is of opinion that in order to secure the proper management of the company it is expedient that any such notified order should continue in force after the expiry of the period of five years as aforesaid, it may, from time to time, issue notifications for its continuance for such period, not exceeding two years at a time, as may be specified in the notification, but no such notified order shall in any case remain in force for more than a total period of fifteen years; and where any such notification is issued, a copy thereof shall be laid, as soon as may be, before each House of Parliament.

Effect of notified order issued under section 3.

4. (*1*) On the issue of a notified order under section 3 appointing a Board of Control to take over management of the company,—

(*a*) all persons in charge of the management, including persons holding offices as directors or managers or any other managerial personnel of the company immediately before the issue of the notified order, shall be deemed to have vacated their offices as such;

(*b*) any contract of management between the company and any managing agent or any director or any other managerial personnel thereof holding such office immediately before the issue of the notified order, shall be deemed to have been terminated;

1 of 1956.

(c) the Board of Control shall alone be entitled notwithstanding anything contained in the Companies Act, 1956, to exercise all the powers of the Board of directors of the company including the powers to sell or otherwise dispose of tobacco or other properties or assets of the company whether such powers are derived from the Companies Act, 1956, or from the memorandum or articles of association of the company or from any other source;

1 of 1956.

(d) as from the date of the notified order, all the properties, assets and effects of the company shall be deemed to be in the custody of the Board of Control who shall, as soon as may be after such date, take all such steps as may be necessary to take into its possession or control all such properties, assets and effects and all actionable claims to which the company is or appears to be entitled.

(2) Subject to the other provisions contained in this Act and to the control of the Central Government, the Board of Control shall take such steps as may be necessary for the purpose of efficiently managing the business of the company and shall exercise such other powers and have such other duties as may be prescribed.

Power of Board of Control to appoint managing agent.

5. (1) Notwithstanding anything contained in the Companies Act, 1956, or in any other law for the time being in force, or in the memorandum or articles of association of the company, the Board of Control may, with a view to securing the proper management of the company, appoint with the previous approval of the Central Government any individual, firm or body corporate as the managing agent of the company.

1 of 1956.

(2) The managing agent shall receive such remuneration as may be determined by the Board of Control with the previous approval of the Central Government.

(3) The managing agent shall exercise in respect of the whole or any part of the company such functions of management as may be specified in the order of appointment and as may from time to time be entrusted to it by the Board of Control.

(4) The managing agent shall not be removed from office except with the previous permission of the Central Government.

(5) In the discharge of his functions the managing agent shall be under the general superintendence and control of the Board of Control.

(6) The Management of the company shall be carried on pursuant to any directions given by the Board of Control in accordance with the provisions of the notified order issued under sub-section (1) of section 3 and the managing agent or any other person having any functions of management in relation to the undertaking or any part thereof shall comply with such directions.

Contracts in bad faith etc. may be cancelled or varied.

6. Without prejudice to the provisions contained in section 4, the Board of Control may, with the previous approval of the Central Government, make an application to any court having jurisdiction in this behalf for the purpose of cancelling or varying any contract or agreement entered into, at any time before the issue of the notified order under sub-section (1) of section 3, between the company and any other person and the court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith and is detrimental to the interests of the company, make an order cancelling or varying

(either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement, and thereafter the contract or agreement shall have effect accordingly.

No right to compensation for premature termination of office or contract.

7. Notwithstanding anything contained in any law for the time being in force, no person who ceases to hold any office by reason of the provisions contained in clause (*a*) of sub-section (*1*) of section 4 or whose contract of management is terminated by reason of the provisions contained in clause (*b*) of that sub-section, shall be entitled to any compensation for the loss of office or for the premature termination of his contract of management:

Provided that nothing contained in this section shall affect the right of any such person to recover from the company moneys recoverable otherwise than by way of such compensation.

Application of Act 1 of 1956.

8. (*1*) Notwithstanding anything contained in Companies Act, 1956 or in the memorandum or articles of association of the company,—

(*a*) it shall not be lawful for the shareholders of the company or any other person to nominate or appoint any person to be a director of the company;

(*b*) no resolution passed at any meeting of the shareholders of the company shall be given effect to unless approved by the Central Government;

(*c*) no proceeding for the winding up of the company or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(*2*) Subject to the provisions contained in sub-section (*1*) and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act, 1956 shall continue to apply to the company in the same manner as it applied thereto before the issue of the notified order under sub-section (1) of section 3. 1 of 1956.

Power of Central Government to cancel order notified under section 3.

9. If at any time it appears to the Central Government on the application of any shareholder of the company or otherwise that the purpose of the notified order made under sub-section (*1*) of section 3 has been fulfilled or that for any other reason it is not necessary that the order should remain in force, the Central Government may, by a notified order, cancel such order and on the cancellation of any such order the management of the undertaking shall revert to the shareholders of the company.

CHAPTER III

MISCELLANEOUS

Duty to deliver possession of property and documents relating thereto.

10. (*1*) Where a notified order has been made under sub-section (*1*) of section 3 in relation to the company, every person having possession, custody or control of any property of the company shall deliver the property to the Board of Control or to any such person (including the managing agent) as may be authorised by the Board in this behalf.

(*2*) Any person who, on the commencement of this Act, has in his possession or under his control any books, documents or other papers relating to the company, including any letters, memoranda, notes or other communications between him and the company shall, notwith-

standing anything contained in any other law for the time being in force, be liable to account for the said books, documents and other papers (including such letters, memoranda, notes or other communications) to the Board of Control and shall deliver them up to the Board or to any such person (including the managing agent) as may be authorised by the Board in this behalf.

(3) The Central Government may take all necessary steps for securing possession of all properties of the company.

Duty to furnish particulars.

11. The company shall, within ten days from the commencement of this Act or within such further period as the Central Government may allow in this behalf, furnish to the Board of Control a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) of the company at the commencement of this Act, and of all liabilities and obligations of the company subsisting at such commencement and also of all agreements entered into by the company and in force before such commencement.

Powers of inspection.

12. (1) For the purpose of ascertaining whether any property is the property of the company or for any other purpose mentioned in this Act or the rules made thereunder, any person authorised by the Central Government in this behalf shall have the right to—

(a) enter and inspect any premises;

(b) require any person having the possession, custody or control of any register or record of the company to produce such register or record;

(c) require the occupier of any property belonging to, or claimed to be the property of, the company, to submit to the person so authorised such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary; and

(d) examine any person having the control, of or employed in connection with, the company and require him to make any statement in relation to the affairs of the company.

(2) Any person authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Penalty for false statements.

13. (1) If any person,—

(a) when required by this Act or by any order made under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(b) makes any such statement as aforesaid in any books, account, record, return or other document which he is required by any order made under this Act to submit,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(2) Any person, who—

(a) having in his possession, custody or control any property forming part of the assets of the company, wrongfully withholds such property from the Board of Control, or

(b) wrongfully obtains possession of any property forming part of the assets of the company, or

(c) wilfully withholds or fails to produce to any person authorised under this Act, any register, record or other document which may be in his possession, custody or control, or

(d) fails, without any reasonable cause, to submit any accounts, books or other documents, when required to do so,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

Limitation on prosecution.

14. No court shall take cognizance of an offence punishable under this Act except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

Protection of action taken under Act in good faith.

15. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Board of Control or any member thereof or any other person (including the managing agent) for anything which is in good faith done or intended to be done under this Act.

Act to have overriding effect.

16. The provisions of this Act or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act.

Payment, remuneration and expenses out of funds of Company.

17. All salaries, allowances and other remuneration paid to the Chairman and other members of the Board of Control, the managing agent, or any other person who may be appointed or employed in connection with the affairs of the management of the company and all other expenses duly incurred in connection with such management shall be paid out of the funds of the Company.

Power of Central Government to give directions.

18. Notwithstanding anything contained in the foregoing provisions of this Act the Central Government may give such directions to the Board of Control as the Government may deem fit for the proper management of the Company and the Board of Control shall comply with such directions.

Power to make rules.

19. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making

any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

20. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order as occasion requires, do anything (not inconsistent with the provisions of this Act) which appears to it to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

Messrs Indian Tobacco Company has capital, more than 50 per cent which has been taken from Government Undertakings. Although this Company is running on Government money, the major portion of its profits is going to private pockets. The management of the company is earning black money through its selling agents. Huge amounts of arrears of excise duty and income-tax are also outstanding against the company as it has gone in litigation on one or the other ground. If the management of this company is taken over by the Government, it will build up the image of Government and it will be able to meet all the public expenditure by getting at least Rs. 300 crores from the profits of the company. The private management has been spending too much on its own affairs without looking to the needs of society and the common man. These expenses affect the cost price of the products of the company which is one of the reasons for price rise of monopoly products.

This Bill is expected to enable Government to control the price of the product of this Company and give more employment opportunities to the people.

Hence this Bill.

NEW DELHI;
February 8, 1985.

RAM BHAGAT PASWAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 authorises the Central Government to make rules for carrying out the purposes of the Bill. Clause 3(4) of the Bill contemplates the making of rules providing for the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board of Control. These are matters of detail and as such the delegation of the legislative power is of a normal character.

BILL NO. 41 OF 1985

A Bill to provide for the adoption of the norm of one-family one-job in public services.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the One-Family One-Job Norm Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act,—

(a) "family" includes one's spouse, dependent children and dependent parents;

(b) "public employment" means employment in Central Government services, a public undertaking or any other body maintained by funds from the Central Government.

One-job one-family norm to be adopted.

3. The Central Government shall adopt the norm of one-job for one-family and not more than one member from a family shall be provided with public employment.

Power to make rules.

4. The Central Government shall make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India is a poor country. Even after 37 years of Independence 60 per cent of its population is below the poverty line and on an average 10 crore people have to go without meals daily. 80 per cent of the national wealth is cornered by just 20 per cent of the population. There is, thus, great disparity in the distribution of national wealth. The gains of independence have gone to those who are already rich. They have all the resources. The rich are getting richer and the poor are getting poorer.

It is a fact that education in good schools and colleges as also the higher posts are available to the children of those who own above 100 acres and upto thousands of acres of land. Again it is only these affluent people who own high buildings in cities and villages.

Even in the housing schemes which are being run by the Government or by some Housing Boards for the benefit of those who do not own a house, these people manage to get four or five houses allotted for themselves by manipulation. They own cinema houses. Their children are occupying high posts, such as, engineers, doctors, etc. in the country and abroad. Again it is they who are in trade and industry and their business is flourishing day by day. Thus each of these families has many sources of income. In this way their wealth is growing.

On the other hand the landless have no source of income. They are poor and homeless. They are unable to educate their children. Consequently their children are without any jobs. They are not able to start any business either. The number of such people is increasing day by day. They have no source of income worth the name. They are living on daily wages and earnings made from seasonal work. The scheme of allotment of surplus land to the landless has also proved futile due to attitude of the officials. The reason is that the officers responsible for the implementation of these schemes belong to the affluent families. As such bureaucracy is the biggest hindrance in the path of socialism.

The main object of this Bill is that only one person in a family should get job. It will bring about socialism in the country. People will not take to hoarding and blackmarketing. No one will remain unemployed. Increase in wealth will be checked. All will get food, clothes and shelter. All will get equal opportunity for educating their children. It will bring economic and social equality in society. The provision of equality, liberty and fraternity made in the Constitution will only be meaningful when all will get employment. Poverty is the root cause of beggary and other social evils. Therefore, there is need of this Bill so that the dream of Mahatma Gandhi is realised.

NEW DELHI;
February 8, 1985.

RAM BHAGAT PASWAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Act. These rules relate to matters of detail only. As such, the delegation of legislative power is of a normal character.

BILL No. 38 OF 1985

A Bill to provide for life insurance of industrial workers.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Industrial Workers' Insurance Act, 1985.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "industrial worker" means a workman as defined in the Industrial Disputes Act, 1947; 14 of 1947.

(*b*) "dependent" means a person as defined in the Workmen's Compensation Act, 1923. 8 of 1923.

Insurance scheme for industrial workers.

3. (*1*) **The Government shall frame an Insurance Scheme for industrial workers.**

(*2*) The Government and the employer of the industrial workers each shall contribute separately to the Insurance Scheme at the rate of ten per cent. of the wages payable to each of the industrial workers employed by the employer.

(3) The expenditure on the enforcement of the Insurance Scheme shall be borne by the Government and the industrial worker shall not be required to contribute anything to the Insurance Scheme.

Payment of insurance to dependents of industrial workers.

4. The Government shall pay rupees three hundred and fifty per month as insurance amount to the dependents of industrial workers, who die while in service, out of the Fund of the Insurance Scheme.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The industrial workers of the country are the worst sufferers, security-wise. They are meagrely paid by their employers. The amount they get is not even sufficient for their subsistance. Naturally, they are unable to make provisions for their near and dear ones out of their wages.

They suffer a slow death leaving their offsprings at the mercy of this unkind world. At the work-sites, where they are made to work, the working conditions are always dangerous and often they die in accidents. The facilities under the Employees State Insurance Scheme are not sufficient to take the dependents through the rest of their lives. They need and deserve something more than the ESI cover to cover the gap between the ESI facilities and their actual need.

Hence this Bill.

NEW DELHI;
January 30, 1985.

AJIT KUMAR SAHA

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the framing of an Insurance Scheme for the industrial workers. Clause 3(2) provides that the Government and employer of industrial workers shall each contribute ten per cent. of the wages payable to each of the industrial worker to the Insurance Scheme. Clause 3(3) provides that the expenditure on the enforcement of the Insurance Scheme shall be borne by the Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL No. 40 OF 1985

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. Article 31B of the Constitution shall be re-numbered as clause (*1*) thereof and after clause (*1*) as so re-numbered, the following clause shall be added, namely:— Amendment of article 31B.

"(2) All laws made by Parliament or the Legislature of a State for and in relation to land reforms or acquisition of land for imparting social and economic justice to the weaker sections of the society including agriculturists shall be included in the Ninth Schedule.".

STATEMENT OF OBJECTS AND REASONS

Socialism and democracy have been made the basic objectives of our system in the Constitution. But the process of achieving the goal is rather slow nay blunted because everytime legislation for social and economic justice like land reforms and land acquisition is struck down by the Judiciary as *ultra vires* of the Constitution. Article 31B already provides for validation of Act and Regulations included in the Ninth Schedule and protects these Acts from any kind of judicial probe. But this protection has often not been extended to legislation relating to land reforms or land acquisition meant for social and economic justice. The proposed amendment provides for compulsory inclusion of all such legislation in the Ninth Schedule in order to ensure that the basic objectives of our system, as enshrined in the Constitution are achieved.

Hence this Bill.

NEW DELHI;
January 30, 1985.

AJIT KUMAR SAHA

SUBHASH C. KASHYAP,
Secretary-General.

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